

TWENTY-THIRD DAY
(Thursday, February 19, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

It's good to have William Royer with us today—more than that, it's good to have an American who made us all feel like Americans again. Amen.

FORMER HOSTAGE WILLIAM B. ROYER, JR. HONORED

The President appointed Senators Richards and Sarpalius to escort former hostage William Blackburn Royer, Jr. to the President's Rostrum.

Senator Richards addressed the Senate as follows:

"Mr. President, fellow Senators, guests in the gallery, today is a very significant day in the history of this Senate, and also in the history of the State of Texas.

It is significant in view of the fact that a fellow American, and a fellow Texan has officially come home.

Today, we have the pleasure of honoring Bill Royer for the role he played in one of the greatest human life dramas that we've ever seen.

The role that he played, as we observed on national television, as literally a human pawn in the political chess game. A game that lasted for 444 days.

A game, really, that had two very unlikely contestants, a 54 year old first-term President, and a 78 year old self-proclaimed religious leader who allowed himself to be called 'God'.

The world functioned as a viewing audience for this game, as we watched every move daily on television and radio, and in the newspapers. But, on January 20th, 1981, the game that had begun on November 4, 1979, with the seizing of the embassy in Iran ended abruptly.

Bill Royer and his fellow hostages were released. They were free at last.

As Gerald mentioned in his prayer, what are the results of that game? Well, a yellow ribbon has taken on a new and a deeper meaning. America, a nation that's truly been hungry for heroes has found renewed meaning in itself and a belief.

The contestants in the game, well, they both lost. The 52 pawns are now considered champions.

The critics will soon write their plays, or write their books, and they'll write their movies about what should or should not have been done in this game that was played for 444 days. But, truly the words of Teddy Roosevelt that were penned in 1901 are a fitting conclusion, and a fitting rebuttal to these remarks of the critics when then President Roosevelt said, 'it's not the critic who counts,

not the one who points out where the strong man stumbles, or the doer of good deeds really could have done them better. But the credit goes to the man who's actually in the arena whose face is covered with blood and sweat and tears, and if he fails, at least fails while daring greatly, in his place will never be with those timid souls who knew neither victory nor defeat.'

So, we have the privilege today of honoring a man, who on our behalf, has participated fully in the great arena of life.

And so today, Bill Royer, this day is in your honor, for your life and your sacrifice and your family, from the Senate and our guests.

Ladies and gentlemen, Mr. Bill Royer."

Mr. Royer addressed the Senate as follows:

"Governor Hobby, Senator Richards, Senator Sarpalius, Honorable Members of the Senate, it is with mixed feelings of humility and pride that I speak to you today. Humility in remembering the supreme sacrifice in the eight lives that were given in the attempted rescue mission, which we will never forget. And pride in the role that we, returned hostages, played that culminated, I believe, in the marvelous resurgence of patriotic feeling that has been demonstrated in the country today, and was responsible for the very warm welcome that we received in returning to the United States. For this we are very grateful.

And, I am further grateful today that, on behalf of all of the returned hostages, for this honor of recognition that you're bestowing on me.

Thank you very much."

Senator Richards presented Mr. Royer's mother, Mrs. Dorothy Royer, and his sister, Mrs. Marianne Stevens.

Senator Richards then presented Mr. Royer with the State flag that was flown over the Capitol on January 20, 1981, the date the hostages were released.

Mr. Don Murphy of Houston then presented Mr. Royer with a western-style hat and a pair of Lucchese boots.

Senator Sarpalius presented Mr. Royer with the enrolled copy of Senate Resolution 135, commending the Texan hostages for their bravery and courage while captive.

Mr. Royer was then presented a plaque and letters from school children.

On motion of Senator Brooks and by unanimous consent, remarks of Senator Richards and Mr. Royer were reduced to writing and recorded in the Journal.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
February 19, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 64, Commending Amtrak.

All necessary rules suspended, and the House concurred in Senate amendments to **H.C.R. 21** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 380

C.S.S.B. 388 (Read first time)

C.S.S.B. 396 (Read first time)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 480 (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 318

S.B. 316

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 631 by Parker Intergovernmental Relations
Relating to the boundaries of the Lower Neches Valley Authority.

S.B. 632 by Parker Intergovernmental Relations
Relating to the waste treatment and waste disposal powers of the Lower Neches Valley Authority.

S.B. 633 by Mengden State Affairs
Relating to discrimination in employment because of sex.

S.B. 634 by Howard, Harris State Affairs
Relating to creation of the State Personnel Standards Board.

- S.B. 635** by Blake Economic Development
Relating to a secured party's taking possession of collateral without judicial process.
- S.B. 636** by Leedom Human Resources
Relating to a requirement that a woman notify her spouse before receiving an abortion; providing penalties.
- S.B. 637** by Brown Natural Resources
Relating to the use of solar and wind energy in new state buildings.
- S.B. 638** by Glasgow Jurisprudence
Relating to the denial of probated sentences for persons convicted of unlawful manufacture or delivery of certain controlled substances.
- S.B. 639** by Glasgow Jurisprudence
Relating to the effect of the failure of a jury to agree on special issues affecting the punishment in a capital case.
- S.B. 640** by Glasgow Jurisprudence
Relating to reformation of the sentence in certain capital murder cases.
- S.B. 641** by Glasgow Jurisprudence
Relating to jury instructions on parole.
- S.B. 642** by Snelson Intergovernmental Relations
Relating to the Eighth Supreme Judicial District, place where business is transacted.
- S.B. 643** by Mauzy, Mengden Jurisprudence
Relating to disciplinary measures against and conditions of employment of peace officers.
- S.B. 644** by Brooks Human Resources
Relating to the appointment of a trustee for violations of requirements relating to nursing and convalescent homes and related institutions.
- S.B. 645** by Leedom Intergovernmental Relations
Relating to the authority to establish and maintain law libraries in the district, county, and justice courts in each county and the use of the county law libraries fund.
- S.B. 646** by Ogg Jurisprudence
Relating to the application of the wrongful death statute to injuries inflicted upon unborn children.
- S.B. 647** by Ogg State Affairs
Relating to the creation of an offense for using information contained in political contribution and expenditure statements for commercial purposes.
- S.B. 648** by Ogg State Affairs
Relating to the processing of results of absentee electronic voting system ballots.
- S.B. 649** by Ogg Jurisprudence
Relating to the authorization of United States magistrates to conduct marriage ceremonies.

S.B. 650 by Ogg State Affairs
Relating to the time for mailing renewal voter registration certificates.

S.B. 651 by Ogg Intergovernmental Relations
Relating to the authority of certain municipal courts to conduct proceedings outside of the corporate limits of the municipality.

S.B. 652 by Ogg Jurisprudence
Relating to the prohibition of abortions after viability of the fetus; providing a penalty.

S.B. 654 by McKnight State Affairs
Relating to the audit powers of the comptroller of public accounts.

S.B. 655 by McKnight State Affairs
Relating to the confidentiality of certain information derived from the administration and collection of certain taxes.

S.B. 656 by Mauzy Intergovernmental Relations
Relating to the establishment, powers, and duties of the Dallas County Juvenile Board, Juvenile Probation Department, and Court Services Department, and the offices of director of juvenile services and director of court services.

S.B. 657 by Doggett, Williams State Affairs
Relating to the organization, administration, and funding of the state military forces and the duties, rights, and liabilities of the members and officers.

S.J.R. 29 by Mengden State Affairs
Proposing a constitutional amendment to provide for enforcement of the prohibition against legislation during a special session on subjects other than those designated by the governor.

S.J.R. 30 by Brown Finance
Proposing a constitutional amendment dedicating a portion of the state's surplus revenue to a special fund in the state treasury to be used for flood control and drainage, water development, water conservation, and water quality enhancement purposes, and establishing a reserve fund in the state treasury.

S.J.R. 31 by Mauzy Jurisprudence
Proposing a constitutional amendment to authorize state judicial retirement for judges of statutory county courts and to grant jurisdiction of family law matters to those courts.

S.C.R. 39 by Mengden State Affairs
Voiding Texas' ratification of equal rights amendment to Constitution of United States.

S.C.R. 40 by Mengden State Affairs
Memorializing Congress to submit to the states for ratification a constitutional amendment guaranteeing equal rights for men and women.

S.C.R. 41 by Mengden State Affairs
Instructing Legislative Council, Enrolling and Engrossing Department of Senate and all State agencies to avoid practice of referring only to male gender in drafting of public documents.

S.C.R. 42 by Mengden State Affairs
Repudiating action of Congress in extending time limit for ratification of equal rights amendment to Constitution of United States.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following resolutions:

H.C.R. 25

H.C.R. 63

HOUSE CONCURRENT RESOLUTION 44

The President laid before the Senate the following resolution:

H.C.R. 44, Congratulating Dr. John D. Moseley, President of Austin College.

The resolution was read.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 64

The President laid before the Senate the following resolution:

H.C.R. 64, Commending Amtrak.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 59

The President laid before the Senate the following resolution:

H.C.R. 59, Commending Tom Massey for his contributions to the State of Texas.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 242 ON SECOND READING

On motion of Senator Kothmann and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 242, Relating to the reporting and investigations of child abuse.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 242 ON THIRD READING

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 242** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 325 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 325, Relating to certificates of indebtedness for funding of county firefighter training facilities and to operation and maintenance of such facilities; adding Article 2351a-7 to Title 44, Revised Civil Statutes of Texas, 1925, as amended.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 325 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 325** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

SENATE BILL 372 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 372, Relating to the penalty for theft of equipment designed for use in exploration for or production of natural gas or crude petroleum oil.

The bill was read second time and was passed to engrossment.

SENATE BILL 372 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 372** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

SENATE RESOLUTION 256 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

S.R. 256, Relating to procedures pertaining to apportionment to be performed by the 67th Legislature.

The resolution was read second time.

Senator Jones offered the following amendment to the resolution:

Amend **S.R. 256** by adding the following language at the end of the text of the resolution:

[-]; and be it further resolved that any apportionment legislation reported favorably from the Committee of the Whole Senate may be set as a special order at a time at least 24 hours after the motion is made by a majority vote of all members of the Senate.

The amendment was read.

Question - Shall the amendment be adopted?

**CONSIDERATION OF
SENATE RESOLUTION 256 POSTPONED**

On motion of Senator Harris, further consideration of Senate Resolution 256 was postponed until 11:00 o'clock a.m., Tuesday, February 24, 1981, by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Nays: Mauzy.

COMMITTEE SUBSTITUTE SENATE BILL 196 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 196, Relating to tax refunds paid, credited, or recovered by the comptroller and interest on certain tax refunds and delinquent taxes.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 196 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 196** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 190 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 190, Relating to certain definitions and eligibility for benefits under the Crime Victims Compensation Act and to the compensation to victims of crime fund; relating to certain court costs; amending Section 14, Subdivisions (8) and (4) of Section 3, and Subsection (c) of Section 6, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 190** by striking "\$1.25" on line 30 of page 1 on the printed bill and substituting in lieu thereof "\$2.50".

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 190 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 190** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

SENATE BILL 173 ON SECOND READING

Senator Mengden moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 173 be taken up for consideration at this time:

S.B. 173, Relating to the exemption of certain educational facilities from licensing requirements for child-care facilities.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Glasgow, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Williams, Wilson.

Nays: Farabee, Harris, Mauzy, McKnight, Truan, Vale.

The bill was read second time.

Senator Mengden offered the following committee amendment to the bill:

Amend **S.B. 173** by striking the words "Section 11 of this Act" in subsection (d) of Section 42.041 in Section 3 and substituting in lieu thereof the words, "Section 42.046 of this code."

The committee amendment was read and was adopted.

Senator Mengden offered the following committee amendment to the bill:

Amend **S.B. 173** by striking Section 42.046 (b) (11), SECTION 2, and substituting in lieu thereof the following:

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization, that does not provide custodial care for more than two hours maximum per day, and that offers educational programs in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades.

GLASGOW
SARPALIUS
LEEDOM

The committee amendment was read.

Senator Doggett offered the following amendment to the committee amendment:

Amend Committee Amendment No. 2 to **S.B. 173** by adding on line 17 of the printed bill between the words "programs" and "in" the words: "for children ages four and above".

The amendment to the committee amendment was read and was adopted.

The committee amendment as amended was then adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(President Pro Tempore Traeger in Chair)

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Truan and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 173 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 173** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Williams, Wilson.

Nays: Mauzy, McKnight, Truan, Vale.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Mauzy, McKnight, Truan.

MEMORIAL RESOLUTION

S.R. 278 - By Snelson: Memorial resolution for J. Albert Steele.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 52 - (Meier): Recognizing month of February as Afro-American History Month.

S.C.R. 45 - By Doggett: Extending congratulations to John W. Crow.

S.R. 277 - By Truan: Extending congratulations to the Southside Lions Club of Corpus Christi.